## UNITED STATES DISTRICT COURT FOR THE

## SOUTHERN DISTRICT OF NEW YORK

ANCHOR SALES & MARKETING, INC.,

Plaintiff,

- v. 
RICHLOOM FABRICS GROUP, INC.,

Defendant.

## **DECLARATION OF GERARD F. DIEBNER**

## I, GERARD F. DIEBNER, declare as follows:

- 1. I am an attorney registered to practice in the State of New York. I am co-counsel for Defendant Richloom Fabrics Group, Inc. herein and I am fully familiar with the facts and circumstances of this case.
- 2. Attached hereto as Exhibit A is a true and correct copy of U.S. Patent No. 7,213, 633 (the "'633 Patent").
- 3. Attached hereto as Exhibit B is a true and correct copy of the patent application which issued as the '633 Patent. This application was fined as Serial No. 10/880,475 (the "'475 Application").
- 4. Attached hereto as Exhibit C is a true and correct copy of a first Office Action which issued during the prosecution of the '475 Application.
- 5. Attached hereto as Exhibit D is a true and correct copy of a Response filed in response to the first Office Action (Exhibit C).
- 6. Attached hereto as Exhibit E is a true and correct copy of a Notice of Allowance for the '475 Application.

I declare under the penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

Dated: September 17, 2015

Gerard F. Diebner

Tannenbaum, Helpern, Syracuse &

Hirschtritt LLP 900 Third Avenue

New York, New York 10022

(212) 508-6700